

Remarks

The Examiner's reconsideration of the application is requested in view of the amendment above, accompanying information disclosure statement, and comments which follow.

First of all, it is noted that claim 1 has been amended by incorporating thereinto the subject matter of claims 7 through 9, which have been cancelled. Also, new claims 17 and 18 have been added. New claim 17 is directed to the camming surface 24, which finds support in the second paragraph of page 6 of the specification. New claim 18 is directed to the fact that the curved portion of the u-shaped connecting arm is that which is resiliently flexible, as disclosed in the second paragraph on page 5.

In the Office Action, the Examiner has continued to reject most of the claims under 35 U.S.C. §102(b) as allegedly being anticipated by Honan U.S. Patent No. 5,348,158. Reconsideration is requested.

The examiner has equated the hinge 22 between the cover 12 and the base portion 13 of the Honan dispenser with the claimed biasing means of the present application. That, it is submitted, is incorrect. In the present application, the biasing means is constituted by a resiliently flexible substantially u-shaped connecting arm 14 integrally formed with the lower and upper jaws 10, 16, to define an opening slot into which a blister 40 of the pack 3 can be literally slid, urging the jaws slightly apart to allow entry of the blister and with the inserted blister being squeezed by the jaws. This is explained in the second paragraph on page 6 of the specification of the present application.

Honan is quite different. Honan has a blister package 14 which is located on a face portion 13 of the container 11, and a cover 12 is then hinged through 180 degrees from the condition shown in figures 3 and 4 to the condition shown in figures 5 and 6, where the cover is in the latched position. This, it is submitted, is quite dissimilar to the subject matter of the invention and what is claimed.

In order to make this distinction clear, claim 1 has been amended by introducing the subject matter of claims 7, 8 and 9, which have therefore been cancelled. Claim 1 is therefore of the same scope as that in granted European application EP 1549583 (copy submitted herewith as part of an information disclosure statement). This, it is submitted,

substantially distinguishes from Honan in that the hinge 22 of Honan clearly is not substantially u-shaped nor a connecting arm. The hinge 22 is not described, but is shown in the drawing figures, particularly figure 4, as a narrowed region of the plastic web linking the cover 12 and the base portion 13. That, obviously, is dissimilar from the u-shaped connecting arm of the present application.

Also, for the purposes of clarification, claim 1 has been amended in the concluding portion to specify that the biasing means biases the jaws into the neutral position so that they are spaced apart and able to receive a blister pack, this allowing a user to move the jaws against the action of the biasing means by inserting a blister pack into the space between the jaws. This is based upon page 3, fifth paragraph, of the present application. With this clarification, the differences between the present application and Honan has been made clear.

New independent claims 17 and 18 have been added, as explained initially above. These claims cover additional features not shown or suggested by Honan. Claim 17 is directed to the camming surface 24, and claim 18 is directed to the fact that the curved portion 20 of the u-shaped connecting arm is that portion that is resiliently flexible.

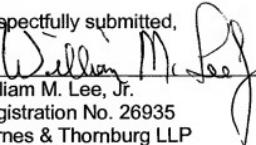
Given the claim amendments following the Examiner's Final Office Action, this response is also being filed as part of a request for continued examination in order to give the Examiner the appropriate latitude to enter and consider the amendments being made, as well as the arguments above. Also, since this response is being filed during the fourth month following the Examiner's Office Action, an appropriate petition for extension of time is being submitted herewith.

It is therefore submitted that this application distinguishes from the prior art and is allowable thereover. The Examiner's further and favorable reconsideration in that regard is urged. Should the Examiner not deem the application in condition for allowance for any reason, however, it is believed that a telephone interview will materially advance the handling of this application. In that event, it is requested that the examiner telephone the undersigned for that interview.

Further action by the examiner is therefore awaited.

November 5, 2009

Respectfully submitted,


William M. Lee, Jr.
Registration No. 26935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 – Fax